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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/604,536

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EXAMINER

SEE, CAROL A

ART UNIT

PAPER NUMBER

3696

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/604,536	Applicant(s) HALL ET AL.	
	Examiner Carol See	Art Unit 3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13,35-39 and 41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13,35-39 and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 35 and 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 2-13 are rejected as depending from claim 1. Claims 35-39 are rejected as depending from claim 35.

As to claims 1, 3, 10, 11, 35, 39 and 41, applicant's recitation of the phrase "legal title term" renders the claim indefinite because it's meaning is unclear and is not sufficiently defined in the specification. For examining purposes, "legal title term" is interpreted to mean the length of time established during which a property right holder legally exercises that right.

As to claims 2, the meaning of the recitation "determining a present/future interest ratio representing the value of the legal title price to the future interest price" is unclear. Further as to claims 2, 8 and 9, the meaning of "present/future interest ratio" is unclear. Examiner interprets as a loan amount and an amount remaining to be paid to own.

As to claim 8, use of the phrase "in a range of about 3:1 to about 2:3" renders the claim indefinite. The term "about" is a relative term which renders the claim indefinite. The term "about" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

As to claim 10, the recitation “based on” does not set forth a relationship between the future interest price, a time value of money, a present value of the vehicle, and a legal title term.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4-5, 12, 13 and 35-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Gill et al. (U.S. 4,736,294).

As to claim 1, Gill shows a method for providing financing by a vehicle financing company for acquisition of a vehicle by a vehicle consumer, the method comprising:

receiving a future interest in a vehicle by a vehicle financing company in consideration for a future interest price upon transfer of a legal title in the vehicle to a vehicle consumer in consideration for a legal title price for a legal title term, the legal title price being an amount of money paid for a present possessory interest in the vehicle; and the vehicle financing company providing financing to the vehicle consumer for the legal title price of the vehicle (col. 1, line 25 through col. 2, line 51, showing vehicle financing, payment of a price for a term to possess the vehicle, and financing entity retaining interest because vehicle may be returned at term end).

As to claim 4, Gill shows the future interest is a reversionary interest or a remainder (col. 4, lines 3-5, showing alternative of return of vehicle to financing entity – i.e., a reversionary interest.)

As to claim 5, Gill shows a receiving step accomplished at least partially by utilizing an at least one computer and an at least one computer network (col. 2, lines 8-26, showing administration of an entire financial transaction on computer).

As to claim 12, Gill shows a future interest vesting upon expiration of a vesting period (col. 5, lines 32 – 36, showing arrival of date where vehicle may be returned to financing entity).

As to claim 13, Gill shows receiving a financed legal title price through a number of periodic payments (col. 4, lines 10-24).

The limitations of claim 35 parallel the limitations of claim 1 as set forth above and are rejected under the same rationale.

As to claim 36, Gill shows personal property selected from the group consisting of: a tangible personal property and an intangible personal property (col. 3, lines 25-33, showing tangible property).

As to claims 37 and 38, Gill shows all elements of claim 35. Gill further shows wherein the personal property is a good and a vehicle (col. 3, lines 27).

Although the cited reference addresses the claim language, Examiner notes that the recitations of personal property as a “good” and as a “vehicle” constitute nonfunctional descriptive material that does not further limit the claimed invention. Accordingly, this recitation is afforded little patentable weight. See *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 403-04 (Fed. Cir. 1983).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 8-11 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gill et al. (U.S. 4,736,294).

As to claim 2, Gill shows all elements of claim 1. Gill further shows determining a present/future interest ratio representing the value of the legal title price to the future interest price (col. 2, lines 7-26 and col. 3, lines 31-45, showing determining loan payment amount for a term and amount to be paid if purchaser retains the vehicle at the end of term). Gill further shows identification and arithmetic manipulation of variables associated with vehicle financing.

Although Gill does not specifically show manipulating the terms as presented above, it would have been obvious to one of ordinary skill in the art to have modified the invention of Gill, as a matter of design choice, to determine which variables to further manipulate depending on the information desired.

As to claim 8, Gill shows all elements of claim 2 as modified by design choice.

The recitation "wherein the present future interest ratio is in a range of about 3:1 to about 2:3" is not afforded patentable weight because the clause merely sets forth an

expected or desired result of the method step. Further, applicant has not set forth in the specification the criticality of this particular range.

As to claim 9, Gill shows all elements of claim 2 as modified by design choice. Gill further shows wherein the present/future interest ratio is based on one or more of the following factors: a consumer trade-in of an existing vehicle, a residual value of the vehicle, or dealer promotions (col. 3, lines 34-43, showing residual value applied to remaining loan balance).

As to claim 10, Gill shows all elements of claim 9. Gill further shows determining the future interest price based on a time value of money, a present value of the vehicle, and the legal title term (col. 3, lines 34 to col. 4, line 25, col. 6, lines 13-25, showing input to the determination of a loan amount, which information is used over the term of a loan to determine a final amount to be paid to own the vehicle).

As to claim 11, Gill shows all elements of claim 9. Gill further shows wherein the legal title term is in the range of one year to six years (col. 2, lines 46-50 and col. 3, lines 34-41).

As to claim 41, Gill shows a method for providing financing by a vehicle financing company for acquisition of a vehicle by a vehicle consumer, the method comprising:

receiving a future interest in a vehicle by a vehicle financing company in consideration for a future interest price upon transfer of a legal title in the vehicle to a vehicle consumer in consideration for a legal title price for a legal title term, the legal title price being an amount of money paid for a present possessory interest in the vehicle, the future interest being a reversionary interest or a remainder (col. 1, line 25 through col. 2, line 51, showing vehicle financing, payment of a price for a term to possess the vehicle,

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and financing entity retaining interest because vehicle may be returned at term end and col. 4, lines 3-5, showing alternative of return of vehicle to financing entity – i.e., a reversionary interest.);

determining a present/future interest ratio representing the value of the legal title price to the future interest price (col. 2, lines 7-26 and col. 3, lines 31-45, showing determining loan payment amount for a term and amount to be paid if purchaser retains the vehicle at the end of term); and

receiving the financed legal title price through a number of periodic payments (col. 4, lines 10-24).

Gill further shows determining a present/future interest ratio representing the value of the legal title price to the future interest price (col. 2, lines 7-26 and col. 3, lines 31-45, showing determining loan payment amount for a term and amount to be paid if purchaser retains the vehicle at the end of term). Gill further shows identification and arithmetic manipulation of variables associated with vehicle financing.

Although Gill does not specifically show manipulating the terms as presented above, it would have been obvious to one of ordinary skill in the art to have modified the invention of Gill, as a matter of design choice, to determine which variables to further manipulate depending on the information desired.

7. Claims 3, 6, 7 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gill in view of Reynolds et al. (U.S. 7,024,373).

As to claim 3, Gill shows all elements of claim 1. Gill further shows transferring the future interest to the vehicle consumer so that the vehicle consumer receives the future

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interest and unrestricted legal title in the vehicle ((col. 5, lines 40-45, showing closing out loan because purchaser is keeping the vehicle).

Gill does not specifically show receiving at or near the end of the legal title term an unrestricted legal title.

Reynolds teaches receiving unrestricted legal title in the vehicle (col. 10, lines 40-45).

It would have been obvious to one of ordinary skill in the art to have combined the invention of Gill with the teaching of Reynolds in order to provide a tangible representation of ownership.

As to claim 6, Gill shows all elements of claim 1.

Gill does not specifically show a vehicle dealer transferring the vehicle to the vehicle consumer.

Reynolds teaches a vehicle dealer transferring a vehicle (col. 3, lines 16-21 and col. 9, lines 6-16).

It would have been obvious to one of ordinary skill in the art to have combined the invention of Gill with the teaching of Reynolds in order to provide the vehicle to the consumer.

As to claim 7, Gill shows all elements of claim 1. Gill further shows closing out a loan because purchaser is keeping a vehicle and paying for it (col. 5, lines 40-45).

Gill does not specifically show the vehicle consumer receiving the legal title in the vehicle.

Reynolds teaches the vehicle consumer receiving the legal title in the vehicle (col. 10, lines 23-45).

It would have been obvious to one of ordinary skill in the art to have combined the invention of Gill with the teaching of Reynolds in order to provide a tangible representation of ownership.

The limitations of claim 39 parallel the limitations of claim 3 as set forth above and are therefore rejected under the same rationale.

Response to Amendment

8. Examiner's objection to the disclosure is withdrawn because specification has been amended to reflect the current U.S. Patent Application Numbers.

9. Examiner acknowledges Applicant's amendments to claims 1-3, 6-13, 35, 39 and 41.

10. Responsive to applicant's amendment of claim 1 and 9-11, Examiner's rejections under 35 U.S.C. 112 remains. Although applicant has addressed the previous rejections, applicant's amendments of the claim language render the claims indefinite for the reasons cited above in this action.

Response to Arguments

11. Applicant's arguments with respect to claims 1-5, 9-13, 35-39 and 41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol See whose telephone number is (571)272-9742. The examiner can normally be reached on Monday - Thursday 6:45 am - 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon, can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/
Primary Examiner, Art Unit 3696

Carol See
Patent Examiner
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